DEPARTMENT OF STATE

Washington, D.C. 20520

FOI Case No. 7902932
(Part I, Volumes 1 - 9)

April 14, 1982

Professor Joan Mellen
25 Elm Ridge Road
Pennington, NJ 08534

Dear Professor Mellen:

I refer to your letter of September 19, 1979, requesting the release of certain Department of State documents under the Freedom of Information Act (5 USC 552), and to a release of a segment of this material already made to you by the Department on October 28, 1981.

This letter is to advise you that the Department of State is hereby wholly releasing to you 1402 pages out of 1512 pages constituting a major segment of Ambassador David K. E. Bruce's diaries, with accompanying documents, dated from January 1, 1952 through December 31, 1953 (Part I, Volumes 1-9). This release includes two documents, dated February 26, 1951 and December 29, 1951, which were withheld from the portion of the diary released in September 1979 to the Virginia Historical Society but are hereby wholly released, and two documents dated March 5 and March 6, 1951, which are hereby released with certain excisions on grounds noted below.

After careful review, we have determined that fifty pages of these daily entries or inserted documents (including the March 5 and March 6, 1951 referenced material) can only be released subject to excisions, and that sixty more pages must be wholly withheld from release.

All the denied and excised material (unless otherwise specified below) has been determined to be properly exempt from release under Paragraph (b)(1) of Section 552, as currently and properly classified under Executive Order 12065 and authorized by that Order to remain protected in the interest of national defense or foreign policy. Two pages, one each from memoranda of September 23 and October 23, 1952, have been excised under the provisions of exemption (b)(6) of Section 552 as containing information of which the disclosure would constitute a clearly unwarranted invasion of personal privacy. All non-exempt material in the excised documents that is reasonably segregable from the exempt material is released herewith.

With respect to material denied or excised, you have the right to appeal this determination within sixty days. Appeals should be addressed to the Assistant Secretary for Public Affairs, Department of State, Washington, D.C. 20520. A letter of appeal should refer to the Freedom of Information case number shown above.

Sincerely,

Howard Meyer for

John R. Burke
Deputy Assistant Secretary
Classification/Declassification Center
Bureau of Administration

APPEALS OF DENIAL OF ACCESS

(a) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12065 may be requested by the individual who submitted the initial request for access. The review (hereinafter referred to as the appeal) must be in writing and should be sent certified mail to the Assistant Secretary for Publi Affairs, Chairman, Appeals Review Panels, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The appeal should be received within 60 days of the date of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairman of the Appeals Review Panel or his designee and at least two other members of Panels designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Appeals Review Panels extends such determination beyond the 30 day period.

(d) When the final determination is to grant access to the record in accordance with the individual's request, the Chairman of the Appeals Review Panel shall inform the office responsible for the record of its decision. The Chairman shall then request the Information and Privacy Coordinator to notify the individual in writing of the Panel's decision to grant access and at the same time to inform the individual of the Department's regulations concerning access. The individual shall choose the means of access most convenient to her or him.

(e) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:

(1) of the refusal to grant the appeal and the reasons therefor including the exemptions of the Freedom of Information Act, the Privacy Act of 1974, and Executive Order 12065 under which access is denied;

(2) of her of of his right to seek judicial review of the Department's decision.

7902932

TEMPLE UNIVERSITY
COLLEGE OF LIBERAL ARTS
PHILADELPHIA, PENNSYLVANIA 19122

DEPARTMENT OF ENGLISH

1979 OCT -2 PM 3:10

reply to: 25 Elm Ridge Road
Pennington, New Jersey 08534
September 19, 1979

Mr. Frank Machak
Chief of Documents and Reference
Division of Foreign Affairs and Reference Service
Department of State
Washington, D. C.

Freedom of Information Request

Dear Mr. Machak:

This is a request under the Freedom of Information Act as amended.

I am requesting access, for the purpose of a scholarly book I am writing, of the diaries of David K. E. Bruce for the period 1951-1974 and any related records. I believe that the amended act provides that if some portions of the diaries are exempt from access to scholars, the remainder will be made available. It also seems to me that this request fits the category of "furnishing information which can be considered as primarily benefiting the public," and so I hope we can work this out, at last, with some efficiency.

As provided for in the amended Act, I will expect to receive a reply within ten working days. If some of the material has already been cleared, I'd appreciate a chance to look at that. My telephone number is 609-737-1950, at Temple University, 215-787-1802.

Sincerely,

Joan Mellen

Joan Mellen
Professor

FOI 7902932
(BRUCE DIARIES)
PART I (9 VOLS.)
JAN. 1952 - DEC. 1953 (also 4 docs. FROM 1951)
COPIES OF ONLY THE RELEASED DOCS (FULL + PART)